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09/617,816	07/17/2000	Robert D. Farris	50107-468	9192
32127	7590	09/24/2004	EXAMINER	
VERIZON CORPORATE SERVICES GROUP INC. C/O CHRISTIAN R. ANDERSEN 600 HIDDEN RIDGE DRIVE MAILCODE HQEO3H14 IRVING, TX 75038			PEZZLO, JOHN	
		ART UNIT		PAPER NUMBER
				2662

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/617,816

Filing Date: July 17, 2000

Appellant(s): FARRIS ET AL.

Joseph R. Palmieri
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 13 August 2004.

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(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences, which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

Appellant's brief includes a statement that claims 1-8 stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) *ClaimsAppealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

6,064,653	Farris	5-2000
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(10) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

Claim 1-8 are rejected under 35 U.S.C. 102(e). This rejection, modified for simplification and clarification of the issues printed below, is set forth in a prior Office Action, mailed on 22 March 2004.

Claim Rejections - 35 USC § 102

I. Claims 1-3 and 6-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Farris (US 6,064,653).

1. Regarding claim 1 - Farris discloses setting up a voice call (link) on the Internet (the first landline public packet switched network). Farris discloses carrying voice information between the terminals over the Internet. Farris discloses monitoring the QoS (quality of service) in the Internet. Farris discloses setting up a second voice communication over a pipeline between the two gateway servers, which are coupled to the terminals when the monitored QoS departs from a predetermined value. Refer to column 8 lines 1 to 7 and column 10 lines 47 to 67 and column 11 lines 18 to 33 and column 12 lines 18 to 26 and column 13 lines 8 to 39.

The ISDN pipeline disclosed by Farris, refer to column 14 lines 13 to 33, is a second landline packet switched network, as it is constructed to carry packet traffic.

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2. Regarding claim 2 - Farris discloses that the quality measured is the quality of delivered voice signal, refer to the abstract and column 4 lines 11 to 33 and column 5 lines 16 to 27 and

column 10 lines 46 to 60 and column 14 lines 55 to 67.

3. Regarding claim 3 - Farris discloses that the second voice link is set-up automatically, refer to column 14 lines 13 to 33.

4. Regarding claim 6 - Farris discloses that the terminals are coupled to the gateway servers via the POTS, refer to Figure 3.

5. Regarding claim 7 - Farris discloses that the switched network is the PSTN, refer to Figure 3.

6. Regarding claim 8 - Farris discloses that the terminals are telephone terminals, refer to Figure 3.

Claim Rejections - 35 USC §103

II. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farris (US 6,6064,653).

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1. Regarding claims 4 and 5 - Farris discloses automatically routing a call from over the Internet to over the ISDN packet pipeline.

Farris does not expressly disclose transmitting a recorded message to the initiating terminal and receiving a response.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to transmit a recorded message to the initiating terminal and receiving a response. The suggestion/motivation for doing so would have been that Farris discloses the SS7 control network and the ability to transmit recorded messages and receive responses from terminals, refer to column 8 lines 7 to 30. The benefit being the terminal would know the call is being rerouted to maintain higher quality and gain more customer satisfaction and a larger market share and more sales and profits.

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(11) Response to Argument

Whether the following element, of claim 1, "*establishing a second voice communication link between said terminals via a second landline packet switched network*" is taught by Farris, is the issue in the case.

The examiner's position is Farris teaches, when the quality of service falls below a predetermined value as mentioned in column 14 lines 13 to 33 and Figures 8A to 8D, a second voice communication link is established between said terminals via a second landline packet switched network, refer to Figures 4 and 5 and column 10 lines 47 to 67 and column 11 lines 1 to 5.

The second voice communication link is the ISDN pipeline between the gateways 20a and 20b in Figure 4 and the pipeline carries the packets which are diverted from the Internet over the second packet network, the ISDN pipeline, using the digital switch 106 as illustrated in Figure 5.

As stated in Farris, column 1 lines 40 to 67 and column 2 lines 1 to 7, the ISDN is an all-digital network capable of carrying packet traffic. The established ISDN pipeline carries packets as stated above. It is not relevant that the ISDN communication link is setup via the PSTN, the claim states "establishing a second voice communication link between said terminals via a second landline packet switched network" and that's what Farris teaches.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

JOHN PEZZLO
PRIMARY EXAMINE



John Pezzlo
September 21, 2004

Conferees

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